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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KERRY CUMMING,

Plaintiff,

-vs-

NO: 1:17-cv-00376 KG-KBM

QUESTA SCHOOLS BOARD OF EDUCATION and QUESTA
INDEPENDENT SCHOOLS,

Defendants.

DEPOSITION OF KERRY CUMMING

November 27, 2017
9:00 a.m.
3777 The American Road, NW
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: DESIREE GURULE
ATTORNEY FOR DEFENDANTS

REPORTED BY: Jan Gibson, CCR, RPR, CRR
Paul Baca Court Reporters
500 Fourth Street, NW - Suite 105
Albuquerque, New Mexico 87102

EXHIBIT

D

PAUL BACA PRO^UCY^URT REPORTERS
500 FOURTH STREET NW SUITE 105, ALBUQUERQUE, NM 87102

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<p>1 A. Yes.</p> <p>2 Q. And where did you mail it from?</p> <p>3 A. I assume Edmond.</p> <p>4 Q. And going to Page 6 of the application itself, so it would be the seventh page in Exhibit</p> <p>5 2. There's a section for notary.</p> <p>6 A. Yes.</p> <p>7 Q. And did you actually have the document</p> <p>8 notarized?</p> <p>9 A. Yes, I did.</p> <p>10 Q. That says it was done in the state of</p> <p>11 Oklahoma on the 18th of July, 2012; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. So does that help refresh your memory</p> <p>14 about where you had this application completed?</p> <p>15 A. Yes. It was in Oklahoma, in Edmond.</p> <p>16 Q. All right. In Edmond. So at that point</p> <p>17 had you moved to Taos?</p> <p>18 A. I had partially moved to Taos.</p> <p>19 Q. What action had you taken to move to Taos</p> <p>20 at that time?</p> <p>21 A. I had moved my pets out there and I had</p> <p>22 moved a carload of stuff out there.</p> <p>23 Q. What kind of pets did you have?</p> <p>24 A. Two cats.</p>	<p>1 period?</p> <p>2 A. They just said elementary teacher. They</p> <p>3 didn't specify what or how many.</p> <p>4 Q. So at that time that you interviewed at</p> <p>5 Questa Public Schools, did you have specific</p> <p>6 knowledge about how many elementary school teaching</p> <p>7 positions were vacant at the school at that time or</p> <p>8 at the school district at the time?</p> <p>9 A. No, I had no idea.</p> <p>10 Q. Apart from your interview, did you have</p> <p>11 communication with either Martha Sanchez or Valerie</p> <p>12 Trujillo prior to the interview?</p> <p>13 A. Ms. Sanchez called me the day before and</p> <p>14 asked me to come to the interview.</p> <p>15 Q. Did you have any other communications with</p> <p>16 Ms. Sanchez prior to the interview?</p> <p>17 A. I don't recall. I did call once and asked</p> <p>18 what the opening was, but I don't know who I spoke</p> <p>19 to and they didn't know what it was. So I tried to</p> <p>20 find out.</p> <p>21 Q. Okay. And after your interview -- let me</p> <p>22 actually go back. Did you have any communications</p> <p>23 before your interview with Valerie Trujillo?</p> <p>24 A. No.</p> <p>25 Q. Did you have any communications before</p>
<p style="text-align: center;">Page 63</p> <p>1 Q. And was there someone caring for your cats</p> <p>2 while you were in Edmond?</p> <p>3 A. No, I drove back and forth with them.</p> <p>4 Q. Now, after you submitted the application</p> <p>5 to Questa Schools in July of 2012, were you selected</p> <p>6 for an interview?</p> <p>7 A. Yes, I was.</p> <p>8 Q. And did you, in fact, interview at Questa</p> <p>9 Schools?</p> <p>10 A. Yes, I did.</p> <p>11 Q. And do you know, was there a panel of</p> <p>12 people on the interview committee or hiring</p> <p>13 committee?</p> <p>14 A. Yes.</p> <p>15 Q. And how many people, to your recollection,</p> <p>16 were there on that committee?</p> <p>17 A. There were two administrators, two or</p> <p>18 three elementary teachers and one parent.</p> <p>19 Q. And do you remember their names?</p> <p>20 A. Martha Sanchez was the principal for the</p> <p>21 elementary school, Valerie Trujillo was there as the</p> <p>22 principal of the high school, and I don't recall any</p> <p>23 of the teachers' names or the parents'.</p> <p>24 Q. Do you remember how many elementary</p> <p>25 teaching positions Questa had open during that time</p>	<p style="text-align: center;">Page 65</p> <p>1 your interview with Roy Herrera?</p> <p>2 A. No.</p> <p>3 Q. Were you offered a position at the Questa</p> <p>4 Schools after your interview in 2012?</p> <p>5 A. I was offered three different positions.</p> <p>6 Q. How did that go? Let me clarify my</p> <p>7 question. Who offered you a position?</p> <p>8 A. Mr. Herrera offered me a job at Costilla.</p> <p>9 Q. Is that Rio Costilla?</p> <p>10 A. Yes, it is.</p> <p>11 Q. That's an elementary school, correct?</p> <p>12 A. I think it might go through middle school</p> <p>13 but I'm not sure what grade it goes to.</p> <p>14 Q. So a school that goes through elementary</p> <p>15 to middle school?</p> <p>16 A. Maybe. I'm not sure.</p> <p>17 Q. Was that Mr. Roy Herrera?</p> <p>18 A. Yes, it was.</p> <p>19 Q. Were you offered any other positions at</p> <p>20 Questa Schools?</p> <p>21 A. Yes. Ms. Sanchez offered me a position</p> <p>22 teaching third grade at Alta Vista.</p> <p>23 Q. When did that occur?</p> <p>24 A. On Saturday. I interviewed on Wednesday,</p> <p>25 I think, Tuesday or Wednesday, and I talked to</p>

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<p>1 her -- actually, Friday she did it. She called me 2 Friday and offered me third grade at Alta Vista. 3 And Saturday she said she had a second option. I 4 could either have the third grade at Alta Vista or I 5 could teach fourth/fifth/sixth grade math at Alta 6 Vista.</p> <p>7 Q. I'm sorry, what was the other option? 8 A. Fourth, fifth and sixth grade math at Alta 9 Vista and it was my choice.</p> <p>10 Q. When did Mr. Roy Herrera offer you a 11 position at Rio Costilla Elementary? 12 A. He called the day after the interview and 13 Ms. Sanchez was on the line and that's when he 14 offered me a job at Rio Costilla.</p> <p>15 Q. And when Ms. Sanchez called you, how many 16 days after your interview had that been? 17 A. Probably two days. Excuse me, I want to 18 go back. Which time that she called?</p> <p>19 Q. You said she called you on a Friday and a 20 Saturday, correct? 21 A. Well, she was on the line with Mr. Herrera 22 when they offered me the Costilla job. I talked to 23 her the next day on the phone. Friday she called me 24 back and offered me the third grade job and we met 25 in person in Questa, and then Saturday she called me</p>	<p>1 culture of the school, how many copies scanners 2 make. You know, just teacher questions: How many 3 kids are in the classroom, how long is your plan 4 time.</p> <p>5 Q. And during that visit did you discuss the 6 position at Rio Costilla at all? 7 A. No, that never came up that day.</p> <p>8 Q. What else happened during that meeting or 9 visit with Ms. Sanchez? 10 A. We met in the front door and went inside. 11 It was about 4:30 so there was no one around and she 12 showed me the office and the library and toured 13 through the classrooms. And she showed me two 14 classrooms that were empty and she said, "One of 15 these will be the third grade classroom." And she 16 showed me the gym and all around, and I asked her if 17 I could have a few teacher's manuals and she gave me 18 a few teacher's manuals and she went over the 19 professional development schedule for the next week 20 and told me what we would be doing each day for 21 professional development.</p> <p>22 I asked her if she had a contract and she 23 said I would sign the following week when the 24 teachers all arrived, and I accepted the job and I 25 asked her if it was definite and she said yes.</p>
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<p>1 again.</p> <p>2 Q. So Friday you met in person? 3 A. Yes.</p> <p>4 Q. Who was present for that meeting? 5 A. Ms. Sanchez and myself.</p> <p>6 Q. Where did you meet her? 7 A. At Alta Vista Elementary.</p> <p>8 Q. When we say Ms. Sanchez, are we referring 9 to Ms. Martha Sanchez? 10 A. Yes.</p> <p>11 Q. Okay. And during that meeting with 12 Ms. Sanchez when you met in person with her, did you 13 tour the school? 14 A. Yes.</p> <p>15 Q. What was the reason for the tour of the 16 school? 17 A. Well, she had called me Friday morning and 18 said, "I now have a third grade teaching position 19 open at Alta Vista. Will you accept this job?" And 20 I said I would like to meet with her and see the 21 school and ask questions.</p> <p>22 Q. And did you do that? 23 A. Yes, we did.</p> <p>24 Q. What questions did you ask? 25 A. I wanted to just get a feel for the</p>	<p>1 Q. And did you ever confirm that with 2 Mr. Herrera? 3 A. I had no communication with Mr. Herrera 4 from that one phone call early in the week until 5 Monday when he rescinded my job. I was only 6 communicating with Ms. Sanchez.</p> <p>7 Q. So Mr. Herrera called you the day after 8 your interview; is that right? 9 A. Yes.</p> <p>10 Q. And he offered you a position at Rio 11 Costilla school, correct? 12 A. Yes.</p> <p>13 Q. What was your response to that offer? 14 A. Well, I was surprised, and I said I didn't 15 know that Costilla was part of Questa, but 16 Ms. Sanchez was on the line so I made arrangements 17 to meet with her the next day and told her I would 18 think about it and she could take me and show me 19 that school and I could check it out.</p> <p>20 Q. Which school? 21 A. Rio Costilla. I was going to go with her 22 to Rio Costilla.</p> <p>23 Q. So you said you would think about 24 accepting the Rio Costilla job? 25 A. Yes.</p>

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<p>1 A. On Friday we talked in person.</p> <p>2 Q. That was during the tour of Alta Vista</p> <p>3 Schools?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. After the conversations on Saturday, were</p> <p>8 there any further conversations with Ms. Sanchez?</p> <p>9 A. Well, she just told me to report to school</p> <p>10 on Monday. Friday she told me about the</p> <p>11 professional development schedule but she hadn't</p> <p>12 told me anything about it Monday, and when I talked</p> <p>13 to her on Saturday she told me Monday morning to be</p> <p>14 at new employee training at 9:00 o'clock at the</p> <p>15 administrative center or the building, and she told</p> <p>16 me to also go back into Alta Vista and pick which of</p> <p>17 the rooms I wanted for third grade before the</p> <p>18 meeting so she would know.</p> <p>19 Q. And that was prior to the new employee</p> <p>20 training?</p> <p>21 A. Yes. She told me to be there early so I</p> <p>22 maybe got there at 7:30 or so and the building was</p> <p>23 open and I went back to those two rooms to decide</p> <p>24 which one I wanted for my classroom.</p> <p>25 Q. Was anybody in the building when you went</p>	<p>1 people in the room.</p> <p>2 Q. Did you have any conversation with</p> <p>3 Ms. Sanchez before the new employee orientation</p> <p>4 began?</p> <p>5 A. I didn't see her around at all.</p> <p>6 Q. So is that a no?</p> <p>7 A. What was the question?</p> <p>8 Q. Did you have any conversation with</p> <p>9 Ms. Sanchez at all before the new employee</p> <p>10 orientation began?</p> <p>11 A. No, I did not.</p> <p>12 Q. Did you have any conversation prior to the</p> <p>13 new employee orientation beginning that day with</p> <p>14 Mr. Herrera?</p> <p>15 A. No.</p> <p>16 Q. Did you have any conversation prior to the</p> <p>17 new employee orientation beginning that day with</p> <p>18 Ms. Valerie Trujillo?</p> <p>19 A. No.</p> <p>20 Q. Did the new employee orientation begin at</p> <p>21 some point that day?</p> <p>22 A. Yes.</p> <p>23 Q. Did you stay for the entire employee</p> <p>24 orientation?</p> <p>25 A. No.</p>
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<p>1 there?</p> <p>2 A. When I got into -- there was no one in the</p> <p>3 office and I sat there a few minutes because I</p> <p>4 didn't know if I should be walking through the</p> <p>5 building, but it was open and nobody was in the</p> <p>6 office and it was dark. So I walked back to the two</p> <p>7 rooms and I chose which one I wanted and a couple of</p> <p>8 men walked in while I was in there.</p> <p>9 Q. Did they identify themselves?</p> <p>10 A. Not that I recall. I introduced myself</p> <p>11 but I don't believe they said their names.</p> <p>12 Q. Did they ask why you were there?</p> <p>13 A. No, I told them I was the new third grade</p> <p>14 teacher.</p> <p>15 Q. Was there further conversation with these</p> <p>16 two gentlemen?</p> <p>17 A. Well, they just seemed surprised but I</p> <p>18 didn't say anything because I figured they just</p> <p>19 hadn't heard that I had just been hired, so I just</p> <p>20 was pleasant and didn't say anything else.</p> <p>21 Q. After that where did you go?</p> <p>22 A. I went to the new employee orientation.</p> <p>23 Q. What time did you arrive?</p> <p>24 A. Sometime before 9:00 o'clock or whenever</p> <p>25 it started. I got there -- I was one of the first</p>	<p>1 Q. At what time did you leave the</p> <p>2 orientation?</p> <p>3 A. It was around 10:00. Can I say one thing?</p> <p>4 Q. Yes, ma'am.</p> <p>5 A. The time the orientation started, I don't</p> <p>6 remember the exact time but I know I was one of the</p> <p>7 first ones in the room. I don't remember exactly</p> <p>8 but I thought it was 9:00 o'clock.</p> <p>9 Q. And you left around 10:00 a.m.?</p> <p>10 A. Yes.</p> <p>11 Q. What was the reason that you left?</p> <p>12 A. Well, Cici Romo came in and walked all the</p> <p>13 way through the room and told me to gather my things</p> <p>14 and come see Mr. Herrera.</p> <p>15 Q. Cici Romo, you said?</p> <p>16 A. Yes.</p> <p>17 Q. Who was Cici Romo?</p> <p>18 A. I think she was the receptionist.</p> <p>19 Q. What happened at the beginning? How did</p> <p>20 the orientation begin?</p> <p>21 A. Mr. Herrera was in there and he greeted</p> <p>22 everyone and he was new also, but he had us each</p> <p>23 stand up and introduce ourselves and what our jobs</p> <p>24 were, and that's how it started.</p> <p>25 Q. And did you stand up?</p>

22 (Pages 82 to 85)

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<p>1 A. Yes, I did.</p> <p>2 Q. How did you introduce yourself?</p> <p>3 A. I said, "I'm Kerry Cumming and I'm the new 4 third grade teacher at Alta Vista."</p> <p>5 Q. And after that what happened?</p> <p>6 A. Well, the meeting continued and about 7 10:00 o'clock he turned it over to someone -- it may 8 have been from the State of New Mexico but someone 9 talking about child abuse to go through information. 10 So he left and I stayed and started taking notes on 11 the child abuse information.</p> <p>12 Q. All right. So Mr. Herrera left around 13 10:00 a.m.?</p> <p>14 A. I think I was called out about 10:00 a.m. 15 so he probably left earlier than that because we had 16 already gotten into the child abuse talk.</p> <p>17 Q. Was Ms. Sanchez at the orientation?</p> <p>18 A. No, I didn't see her.</p> <p>19 Q. Was Ms. Valerie Trujillo present?</p> <p>20 A. I don't recall seeing either of them.</p> <p>21 Q. So around 10:00 a.m.? Or was it before 22 that?</p> <p>23 A. I think it was around 10:00 that they came in and asked me to come talk to Mr. Herrera.</p> <p>25 Q. That was Ms. Cici Romo?</p>	<p>1 A. I asked him some questions.</p> <p>2 Q. What questions?</p> <p>3 A. I said, "Why?" And he said, "I can't tell 4 you."</p> <p>5 And I said, "Have I done something wrong?"</p> <p>6 And he said, "No."</p> <p>7 And I said, "Did one of my references say 8 something bad about me?" And he said no, the 9 problem was on his side.</p> <p>10 And I said, "Then what is it?" And he 11 said, "I can't tell you."</p> <p>12 Q. Was there any discussion additional to 13 that?</p> <p>14 A. Yes.</p> <p>15 Q. What was the additional discussion?</p> <p>16 A. He offered me Costilla again and I told 17 him I just -- it was too far. And I said I could 18 have car trouble and he said, "Well, I'll come pick 19 you up." And I said it just wouldn't work for what 20 I needed, and he said he would write me a reference letter.</p> <p>22 And I said, "I have plenty of reference 23 letters and you don't even know me." He said, 24 "You're right. We'll pay you for one day of work." 25 I just -- I was in tears and I finally just left</p>
<p style="text-align: center;">Page 87</p> <p>1 A. Yes.</p> <p>2 Q. What was the conversation with her at that 3 time?</p> <p>4 A. With Cici?</p> <p>5 Q. Yes, ma'am.</p> <p>6 A. She just whispered, "Bring your things. 7 Mr. Herrera needs to see you." Something like that.</p> <p>8 Q. Did you go see Mr. Herrera?</p> <p>9 A. Yes, I gathered up my things and had to 10 walk across in front of everybody.</p> <p>11 Q. And was the orientation held in the 12 administration building?</p> <p>13 A. Yes.</p> <p>14 Q. Was Mr. Herrera's office located in the 15 administration building?</p> <p>16 A. Yes, it was.</p> <p>17 Q. Who was present when you met with 18 Mr. Herrera?</p> <p>19 A. Just the two of us.</p> <p>20 Q. What was the discussion?</p> <p>21 A. He said, "I have to rescind your third 22 grade job. Something's come up."</p> <p>23 Q. Did he say anything else?</p> <p>24 A. Yes.</p> <p>25 Q. What else did he say?</p>	<p style="text-align: center;">Page 89</p> <p>1 because they wanted me to leave.</p> <p>2 Q. Did he tell you he wanted you to leave?</p> <p>3 A. No, he was walking me to the door as he 4 told me he would do the reference letter and he 5 would pay me and he was walking me to the door.</p> <p>6 Q. Was that after he offered to pick you up 7 if you had car trouble?</p> <p>8 A. Say the question again, please.</p> <p>9 Q. Was he walking you to the door after he 10 offered to pick you up if you had car trouble?</p> <p>11 A. Yes.</p> <p>12 Q. And do you need a break?</p> <p>13 A. No, I'm fine.</p> <p>14 Q. All right. You said Mr. Herrera had not 15 been with the district very long when you first 16 started there; is that right?</p> <p>17 A. He was new.</p> <p>18 Q. All right. I'm going to hand you what we 19 will mark as Exhibit 3 to your deposition. (Note: Exhibit 3 marked.)</p> <p>21 Q. Please look this over and let me know when 22 you have reviewed it and I will ask you some 23 questions. Have you had time to review this 24 document?</p> <p>25 A. Yes, ma'am.</p>

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<p>1 A. I went home and looked it up in the 2 dictionary.</p> <p>3 Q. And at that point had you actually signed 4 any kind of job offer?</p> <p>5 A. No.</p> <p>6 Q. And at the point that you met with 7 Mr. Herrera, had you been offered three positions at 8 Alta Vista?</p> <p>9 A. One at Costilla, two at Alta Vista.</p> <p>10 Q. And what happened to the fourth through 11 sixth grade position at Alta Vista?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you accept that position?</p> <p>14 A. No, I was given -- Ms. Sanchez gave me the 15 option of third or fourth, fifth and sixth and I 16 told her I preferred third.</p> <p>17 Q. When you met with Mr. Herrera, did you ask 18 him about the fourth through sixth grade position?</p> <p>19 A. I didn't.</p> <p>20 Q. Looking at Exhibit 6, there's an e-mail 21 after the typed statement or typed letter to the 22 EEOC.</p> <p>23 A. Yes.</p> <p>24 Q. This one looks like it's from you to you; 25 is that right?</p>	<p>1 Q. Do you have any reason to believe that you 2 did not write this e-mail to yourself on Tuesday, 3 August 14, 2012?</p> <p>4 A. I don't have any reason.</p> <p>5 Q. I'm going to hand you what we'll mark as 6 Exhibit 7 to your deposition.</p> <p>7 (Note: Exhibit 7 marked.)</p> <p>8 Q. Please review it, let me know when you've 9 reviewed it and I will ask you some questions.</p> <p>10 A. Yes.</p> <p>11 Q. Did you prepare this document?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And this appears to go from -- it appears 14 to indicate jobs from March of 2012 through 15 5/8/2013; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you prepare this document?</p> <p>18 A. Yes, I did.</p> <p>19 Q. All right. On the next page of Exhibit 7 20 on the last entry, 5/8/13, it states, "I have 21 applied for over 50 jobs in six different 22 districts," and the 50 is crossed through and in 23 handwriting there's a 53 written above it. Do you 24 see that?</p> <p>25 A. Yes, I do.</p>
<p>1 A. Right. I was just documenting.</p> <p>2 Q. So is this your timeline of events?</p> <p>3 A. Yes, it is.</p> <p>4 Q. And did you write this document?</p> <p>5 A. I did.</p> <p>6 Q. And I believe I might be missing some 7 pages. It goes through 4 of 6 on here. Or was this 8 the whole thing?</p> <p>9 A. I don't recall. I would have to look.</p> <p>10 Q. Okay.</p> <p>11 A. And see. It could have been a blank page 12 at the end but I don't know. I would have to check. 13 I'm sorry.</p> <p>14 Q. That's okay. I'm just trying to see where 15 I'm at here. So at this point, this one is dated 16 August 14, 2012; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the date that you prepared this 19 e-mail?</p> <p>20 A. I prepared it and I printed it off again, 21 too, because the date is at the bottom.</p> <p>22 Q. So is that the date that you prepared this 23 e-mail?</p> <p>24 A. It appears to be. It has the time on it 25 and everything.</p>	<p>1 Q. Did you cross through the number 50?</p> <p>2 A. As I counted how many there were.</p> <p>3 Q. So you wrote the number 53 above it?</p> <p>4 A. Yes.</p> <p>5 Q. This one also has some handwriting on the 6 first page and it says, "As of 5/8/13."</p> <p>7 A. Yes.</p> <p>8 Q. Did you write that?</p> <p>9 A. Yes, I did.</p> <p>10 Q. And then the number on top, the top right 11 corner, No. 543-2013-00091, did you write that?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And this one also has a date and time 14 stamp and says, "EEOC Albuquerque Area Office 15 Received." I can't read the specific date. Do you 16 know when you submitted this?</p> <p>17 A. I don't know, but it looks like May 13th 18 to me.</p> <p>19 Q. Okay.</p> <p>20 A. I don't have any recollection.</p> <p>21 Q. Do you believe it would have been around 22 that time that you submitted it?</p> <p>23 A. Yes, I was trying to communicate my job 24 search.</p> <p>25 Q. And to your knowledge is this a complete</p>

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<p>1 Exhibit 11 to your deposition. 2 (Note: Exhibit 11 marked.) 3 Q. Please review it, let me know when you 4 have reviewed it and I will ask you some questions. 5 A. Okay. 6 Q. Are you familiar with this packet of 7 documents? 8 A. Yes. 9 Q. To the best of your understanding, what 10 does this packet of documents consist of? 11 A. Another application for an opening in 12 Questa. 13 Q. And did you write this first page? 14 A. Yes, ma'am, I did. 15 Q. And on there there's a handwritten note, 16 top left corner, "Declined 7/2/13, 8:27 a.m." 17 A. Right. 18 Q. Did you decline a position with Questa? 19 A. No, they didn't offer me a position. 20 Q. So is it your testimony that in 2013 21 Questa did not offer you a job? 22 A. Right. They offered me an interview. 23 Q. Okay. And did you decline the interview? 24 A. Yes. I had just gotten the job in Choctaw 25 and was back in Oklahoma and they called me.</p>	<p>1 A. No. 2 Q. I will hand you what will be marked as 3 Exhibit 13 to your deposition. 4 (Note: Exhibit 13 marked.) 5 Q. Now, on this set of documents, I don't 6 have a signature or verification sheet for these. 7 MS. GURULE: Do you know if you sent one? 8 MR. WHITE: I don't off the top of my 9 head. 10 A. Go ahead. 11 Q. Have you had time to read it? 12 A. It could take a long time. 13 Q. Please take your time and read through it. 14 A. Okay. 15 Q. Okay. Have you had time to review this? 16 A. I looked over it. 17 Q. Now, these state answers, "Defendant's 18 First Set of Interrogatories to Plaintiff." Did you 19 provide the information in the answers? 20 A. Yes. 21 Q. And is the information contained in these 22 responses true and correct to the best of your 23 knowledge and belief? 24 A. To the best of my knowledge. 25 Q. Now, I would like to ask you about a</p>
<p>1 Q. I'm going to hand you what we'll mark as 2 Exhibit 12 to your deposition. 3 (Note: Exhibit 12 marked.) 4 Q. Please review it, let me know when you 5 have reviewed it and I will ask you some questions. 6 A. Okay. 7 Q. To the best of your knowledge, what do the 8 documents consist of? 9 A. Well, this is -- this looks like I 10 contacted them and they had advertised a teaching 11 position in October of 2016, so I e-mailed asking 12 the principal what was open and she said she never 13 received my e-mail. 14 Q. And that was Michelle Gonzales? 15 A. That's what it was. She said they had no 16 openings, and then I asked what the grade was, what 17 the vacancy was. 18 Q. All right. And then was there further 19 communication with Valerie Trujillo? 20 A. Just what you see here. I check to see 21 what openings they have and at that time it was a 22 third grade position, but I knew better than to try, 23 but I still dream about it. 24 Q. Did you actually apply for a job with 25 Questa in 2017?</p>	<p>1 couple of them in specific. 2 A. All right. 3 Q. In regard to Interrogatory No. 7, which is 4 labeled as Page 8, it's got a list of employers and 5 it ends with Edmond Public Schools. So after Edmond 6 Public Schools you started working at Jones Public 7 Schools; is that right? 8 A. Right. I just got that after I filled 9 this out. 10 Q. And that's your current employer; is that 11 right? 12 A. Yes. 13 Q. Is the position at Jones Public Schools an 14 elementary teacher? 15 A. Yes, it's third grade. 16 Q. That's right. You said your current 17 salary is approximately \$41,500 annually? 18 A. Approximately. 19 Q. And is there a particular school that you 20 work at? 21 A. Jones Elementary School. 22 Q. It's just called Jones Elementary School? 23 A. Yes, there's just one elementary school. 24 Q. Now, going to Interrogatory No. 9 which is 25 labeled as Page 11, on this one it states that you</p>

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<p>1 Mr. Herrera but a lot of other employees.</p> <p>2 Q. And to your knowledge, do any of those</p> <p>3 interviews pertain to you?</p> <p>4 A. Only to establish the overstepping of</p> <p>5 boundaries of the school board members that was</p> <p>6 obviously found by the State Department or PED.</p> <p>7 Q. And Craig Johnson, is he the PED</p> <p>8 investigator you were referring to?</p> <p>9 A. He wrote an interview and he wrote up his</p> <p>10 report.</p> <p>11 Q. Have you had any direct communication with</p> <p>12 Craig Johnson in this case?</p> <p>13 A. No, I don't think so. I did write PED</p> <p>14 asking for help but they never responded so I don't</p> <p>15 think I wrote to him. I don't know. I don't</p> <p>16 recall.</p> <p>17 Q. Do you recall when you wrote to the PED?</p> <p>18 A. Before I filed the EEOC report I reached</p> <p>19 out to -- I wrote to Ms. Sanchez and asked her for</p> <p>20 an explanation and I contacted the New Mexico</p> <p>21 Education Association for help and I wrote to PED</p> <p>22 for help because it was so unusual and extraordinary</p> <p>23 what happened that I just wanted an explanation.</p> <p>24 Q. The next one that you have here is Cici</p> <p>25 Romo?</p>	<p>1 website. I only found out because there was a</p> <p>2 little ad in the Taos News. I applied and Cici</p> <p>3 called me.</p> <p>4 Q. What did she say?</p> <p>5 A. She was wanting to set up -- it was</p> <p>6 several weeks after the deadline for application and</p> <p>7 she wanted to set up an interview.</p> <p>8 Q. And what was your response?</p> <p>9 A. I just accepted a job in Oklahoma so I had</p> <p>10 to turn it down.</p> <p>11 Q. So was that --</p> <p>12 A. But I knew --</p> <p>13 Q. Was that Exhibit 11, the application that</p> <p>14 you submitted?</p> <p>15 A. Let me see.</p> <p>16 Q. It will be in your pile there.</p> <p>17 A. Eleven?</p> <p>18 Q. Yes, ma'am.</p> <p>19 A. Yes. They had a new superintendent. Yes,</p> <p>20 this is probably that, and that's why I explained</p> <p>21 myself, because she didn't know me.</p> <p>22 Q. All right. So you told her that you had</p> <p>23 already gotten another job?</p> <p>24 A. Yeah. There was such a delay in them</p> <p>25 contacting me I had already accepted the job at</p>
<p>1 A. Yes.</p> <p>2 Q. And it's spelled C-I-C-Y here.</p> <p>3 A. I'm not sure.</p> <p>4 Q. Do you think it could be C-I-C-I?</p> <p>5 A. It could be.</p> <p>6 Q. So one of the --</p> <p>7 A. I think I have seen it two different ways.</p> <p>8 It's the Cici I told you pulled me out of the</p> <p>9 meeting.</p> <p>10 Q. The same Cici Romo that asked you to meet</p> <p>11 with Mr. Herrera?</p> <p>12 A. Yes.</p> <p>13 Q. During the new teacher orientation in</p> <p>14 2012?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And in regard to communications</p> <p>17 that you had with Ms. Cici Romo, have you had other</p> <p>18 communications with Ms. Romo other than that</p> <p>19 discussion or --</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What communications have you had</p> <p>22 with Ms. Romo?</p> <p>23 A. The summer of 2013 after the job fell</p> <p>24 through in 2012, and in the summer of 2013 Questa</p> <p>25 had a job open and I didn't find out about it on the</p>	<p>1 Choctaw. But they didn't offer me the job, they</p> <p>2 just offered me an interview.</p> <p>3 Q. And you declined the interview, correct?</p> <p>4 A. Yes, I had already verbally accepted</p> <p>5 another job and I keep my word the best I can.</p> <p>6 Q. Have you had any other communications with</p> <p>7 Ms. Cici Romo?</p> <p>8 A. No.</p> <p>9 Q. In regard to the person that you believe</p> <p>10 was hired instead of you in 2012, who do you believe</p> <p>11 that person is?</p> <p>12 A. Well, the EEOC file was the first time I</p> <p>13 had heard of this person and her name was Lisa Rael.</p> <p>14 Q. Do you know Ms. Rael's age?</p> <p>15 A. No, but she's younger than me. I know</p> <p>16 that.</p> <p>17 Q. How did you come to learn that?</p> <p>18 A. The paperwork that went to EEOC, they had</p> <p>19 to turn in her age.</p> <p>20 Q. Prior to that paperwork that you submitted</p> <p>21 to the EEOC, did you have any knowledge about</p> <p>22 Ms. Rael's age?</p> <p>23 A. No, I didn't even know who she was.</p> <p>24 Q. And do you know Ms. Rael's race?</p> <p>25 A. Yes, on the EEOC form it said Hispanic.</p>